

REMARKS

Claims 1-14 which are in the application stand rejected under 35 USC 103(a) as being unpatentable over Nehen et al (US 5,634, 211), and further stand rejected under the judicially created doctrine of obviousness type double patenting over Claims 1-9 of US 5,635, 211.

Applicants traversed the rejections because the cited reference did not contain basis for modifying the prior art to the claims with a reasonable expectation of success. More specifically, the cited reference does not provide criteria for selecting the proportions of the components of the claims with a reasonable expectation of success. In effect, Applicants have argued that the cited reference would not support a prima facie case of obviousness.

To advance the application to allowance, Applicants submit a Declaration rebutting the presumed prima facie case. More specifically, Applicants present the Declaration to address the Examiner's position as stated in the Final Office Action at page 2, paragraph 3 that:

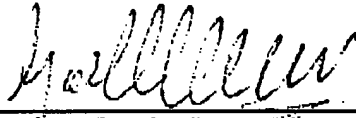
"... When applicant establishes that a parameter is result-effective, the prima facie case of obviousness established under In re Aller is rebutted."

The attached Declaration clearly shows that the result effective variables of the crosslinker and the wall fraction of the claimed invention shows a substantial improvement over the invention of US 5,635,211. (Commas were employed in accordance to German usage to represent decimal point in the numeric expression of the Declaration). The Declaration, therefore, satisfies the Examiner's request for a showing of unexpected results.

In view of the Declaration, Applicants submit that the claims in the application are patentably distinct, and, therefore, pray for their allowance.

Respectfully submitted,

By


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